

AMENDED IN ASSEMBLY JANUARY 9, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1207

Introduced by Assembly Member Smyth

February 23, 2007

An act to amend Sections 43020 and 43035 of, and to add Section 43020.2 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, as amended, Smyth. Solid waste: biosolids.

The existing Porter-Cologne Water Quality Control Act generally requires the California regional water quality control boards to prescribe waste discharge requirements for individual waste discharges. The act requires the State Water Resources Control Board or a regional board, upon receipt of an application for waste discharge requirements for discharges of dewatered, treated, or chemically fixed sewage sludge and other biological solids, to prescribe general waste discharge requirements for those sludges and solids, as specified. The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board (board), establishes an integrated waste management program, including the regulation of solid waste disposal. Existing law requires the board to adopt minimum standards for solid waste facilities.

This bill would require those minimum standards to include standards for the land application of biosolids.

The bill would require the board to adopt, by July 1, 2010, regulations for the land application of biosolids, which would include standards for

the land application of biosolids according to sound principles of land use, agriculture, conservation, resource management, public health, and protection of ground water.

~~The bill would provide that state law and board regulations adopted thereof regulating the land application of biosolids is applicable and uniform throughout the state. The bill would make a statement of legislative intent regarding the regulation of the land application of biosolids and the occupation of the field of regulation by the state with regard to the composting and disposal of biosolids.~~

The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) In 1989, the Legislature enacted the California Integrated
4 Waste Management Act (Division 30 (commencing with Section
5 40000) of the Public Resources Code). The act was enacted to
6 reduce, recycle, and reuse solid waste generated in the state to the
7 maximum extent feasible in an efficient and cost-effective manner
8 to conserve water, energy, and other natural resources, to protect
9 the environment, to improve regulation of existing solid waste
10 landfills, to ensure that new solid waste landfills are
11 environmentally sound, to improve permitting procedures for solid
12 waste management facilities, and to specify the responsibilities of
13 local governments to develop and implement integrated waste
14 management programs.

15 (b) The California Integrated Waste Management Act requires
16 the California Integrated Waste Management Board and local
17 agencies to promote the following waste management practices in
18 order of priority:

19 (1) Source reduction.

20 (2) Recycling and composting.

21 (3) Environmentally safe transformation and environmentally
22 safe land disposal, at the discretion of the city or county.

23 (4) Maximizing the use of all feasible source reduction,
24 recycling, and composting options in order to reduce the amount
25 of solid waste that is required to be disposed of by transformation

1 and land disposal. For wastes that cannot feasibly be reduced at
2 their source, recycled, or composted, the local agency may use
3 environmentally safe transformation or environmentally safe land
4 disposal, or both of those practices.

5 (c) The California Integrated Waste Management Board (board)
6 is the state agency that has primary jurisdiction over recycling of
7 solid waste. The board imposes requirements with respect to solid
8 waste management and defines sewage sludge as not being a
9 hazardous waste. The board includes the recycling of biosolids as
10 part of the overall program.

11 (d) The board regulates the composting and disposal of biosolids
12 and no further regulations are necessary for these management
13 options.

14 (e) In July 2004, the California State Water Resources Control
15 Board adopted State Water Quality Order 2004–0012 general waste
16 discharge requirements regulating the land application of biosolids
17 as a soil amendment or fertilizer and developed an environmental
18 impact report to support the statewide general order. The general
19 order is a regulatory process used to streamline the discharge of
20 biosolids for use as a soil amendment.

21 (f) In 2005, as reported by the Environmental Protection Agency
22 (EPA) for Region IX, the state generated approximately 752,000
23 dry tons of biosolids, of which 78 percent was beneficially used
24 and 30 percent of that amount was land applied.

25 (g) Based on that EPA Region IX data, approximately 75 percent
26 of the biosolids generated in the state was beneficially managed
27 outside of the county where it was generated, which included six
28 counties exporting biosolids to Kern County, three counties
29 exporting to Merced County, and two counties exporting to
30 Sacramento County.

31 (h) The EPA has adopted rules under Part 503 (commencing
32 with Section 503.1) of Subchapter O of Chapter 1 of Title 40 of
33 the Code of Federal Regulations (503 rules) that result in the safe
34 and beneficial use of biosolids when properly managed in
35 accordance with those rules.

36 (i) Since the promulgation of 503 rules in 1993, biosolids
37 management practices in California have shifted from mostly
38 disposal, including ocean disposal or landfilling, to mostly reuse,
39 and biosolids reuse, through land application and other means, is
40 both regulated and encouraged by the 503 rules.

(j) Several cities and counties have established a patchwork of ordinances and regulations that ban or severely restrict the use of biosolids for land application, creating a problem for local government agencies by limiting the number of environmentally sound options available for managing biosolids and restricting their ability to safely manage the biosolids that are generated.

(k) It is the policy of the State of California, in furtherance of its responsibility to protect the public health and safety, and to institute and maintain a regulatory program for biosolids management.

(l) The state desires to regulate the application of biosolids to agricultural land in a manner that is safe, environmentally beneficial, and sensitive to the needs of the communities involved.

SEC. 2. Section 43020 of the Public Resources Code is amended to read:

43020. (a) The Legislature declares that it is in the public interest to establish an effective process to manage biosolids that will protect public health and safety. This process is consistent with the responsibility of local government to ensure that adequate treatment and disposal capacity is available to manage the biosolids generated in California in a safe and environmentally beneficial manner.

(b) The board shall adopt and revise regulations that set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal, including standards for the land application of biosolids, in accordance with this division, and Section 117590 of, and Chapter 6.5 (commencing with Section 25100) of Division 20 of, the Health and Safety Code. The board shall not include any requirements that are already under the authority of the State Air Resources Board for the prevention of air pollution or of the state water board for the prevention of water pollution.

SEC. 3. Section 43020.2 is added to the Public Resources Code, to read:

43020.2. (a) For the purposes of this section, the following definitions shall apply:

(1) "Biosolids" means the solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. "Biosolids" include, but are not limited to, treated domestic septage and scum or solids removed in primary, secondary, or

1 advanced wastewater treatment processes or solids that have been
2 dried or stabilized. “Biosolids” do not include any of the following:

3 (A) Compost.

4 (B) Ash generated during the firing of sewage sludge in a
5 sewage sludge incinerator or grit and screenings generated during
6 the preliminary treatment of domestic sewage in a treatment works.

7 (2) “Land application” means the application of biosolids to
8 land to either condition the soil or to fertilize crops or other
9 vegetation grown in soil.

10 (b) (1) On or before July 1, 2010, as part of the existing
11 regulatory review process for regulations adopted pursuant to this
12 article, the board shall adopt regulations for the land application
13 of biosolids, consistent with the Federal Water Pollution Control
14 Act, as amended (33 U.S.C. Sec. 1251 et seq.), the federal
15 prohibition on ocean disposal, and the state policy to encourage
16 reuse instead of disposal, as well as taking into account the proven
17 economic and environmental benefits of biosolids.

18 (2) The regulations adopted by the board pursuant to this section
19 shall include standards for the land application of biosolids
20 according to sound principles of land use, agriculture, conservation,
21 resource management, public health, and protection of ground
22 water.

23 (3) In adopting these regulations, the board shall consult with
24 the State Water Resources Control Board regarding standards for
25 groundwater protection.

26 (c) This section does not authorize the board to adopt regulations
27 that are less stringent than those adopted by the Environmental
28 Protection Agency pursuant to Part 503 (commencing with Section
29 503.1) of Subchapter O of Chapter 1 of Title 40 of the Code of
30 Federal Regulations.

31 ~~(d) (1) The provisions of this division, and the regulations~~
32 ~~adopted pursuant to those provisions, regulating the land~~
33 ~~application of biosolids and other biological solids, are applicable~~
34 ~~and uniform throughout the state and in all counties and~~
35 ~~municipalities therein.~~

36 ~~(2) The Legislature finds and declares that the regulation of the~~
37 ~~land application of biosolids and other biological solids to land as~~
38 ~~a soil amendment and the management of biosolids is of paramount~~
39 ~~state concern.~~

1 ~~(3) The Legislature further finds and declares that the board has~~
2 ~~adopted regulations governing the composting and disposal of~~
3 ~~biosolids and therefore this field of regulation is occupied by the~~
4 ~~state with regard to these activities.~~

5 SEC. 4. Section 43035 of the Public Resources Code is
6 amended to read:

7 43035. (a) The board, in cooperation with the Office of
8 Emergency Services, shall develop an integrated waste
9 management disaster plan to provide for the handling, storage,
10 processing, transportation, and diversion from disposal sites, or
11 provide for disposal at a disposal site where absolutely necessary,
12 of solid waste and biosolids, resulting from a state of emergency
13 or a local emergency, as defined, respectively, in subdivisions (b)
14 and (c) of Section 8558 of the Government Code.

15 (b) The board may adopt regulations, including emergency
16 regulations, necessary to carry out the integrated waste management
17 disaster plan.